

**** E-filed July 27, 2011 ****

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Attorneys for Plaintiff
Phuong Ho

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PHUONG HO,

Plaintiff,

vs.

CITY OF SAN JOSE (CALIFORNIA) a
municipality, et al.

Defendants.

No: 5: 10-CV-01825 HRL

AMENDED STIPULATION FOR
DISMISSAL OF PHUONG HO and ALL
DEFENDANTS, ~~PROPOSED~~ ORDER

IT IS HEREBY STIPULATED by and between Plaintiff Phuong Ho ("Plaintiff") and Defendants City of San Jose, San Jose Police Department, Chief Rob Davis, Jeffrey Martin, Steven Payne, Jr., Gabriel Reyes, Kenneth Siegel, and Jerome Smith, ("Defendants"), by and through their respective counsel, that pursuant to Federal Rule of Civil Procedure 41(a)(2), Defendants be dismissed with prejudice from this action.

IT IS FURTHER STIPULATED between Plaintiff and Defendants that this case has been settled as between them and all issues and controversies have been resolved to their mutual satisfaction. Plaintiff and Defendants request the Court to retain jurisdiction over the

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1 parties to enforce the terms of their settlement agreement under the authority of *Kokkonen v.*
2 *Guardian Life Ins. Co. of America*, 511 U.S. 375, 381-82 (1994).

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4 Date: July 12, 2011

Law Offices of Duyen H. Nguyen, P.C.

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7 Duyen H. Nguyen
8 Attorney for Plaintiff Phuong Ho

9 Date: July 12, 2011

CITY OF SAN JOSE

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ORDER

The parties having so stipulated,

IT IS HEREBY ORDERED as follows:

1. Plaintiff Phuong Ho and Defendants City of San Jose, San Jose Police Department, Chief Rob Davis, Jeffrey Martin, Steven Payne, Jr., Gabriel Reyes, Kenneth Siegel, and Jerome Smith shall comply with the terms of the confidential Settlement Agreement and Release in Full, the terms of which are incorporated herein by reference.
2. By consent of Plaintiff Phuong Ho and Defendants City of San Jose, San Jose Police Department, Chief Rob Davis, Jeffrey Martin, Steven Payne, Jr., Gabriel Reyes, Kenneth Siegel, and Jerome Smith, the Court shall retain jurisdiction over the parties in this matter for the purpose of enforcing the terms of the settlement agreement.
3. Except as provided for in paragraphs 1 and 2 above, Defendants City of San Jose, San Jose Police Department, Chief Rob Davis, Jeffrey Martin, Steven Payne, Jr., Gabriel Reyes, Kenneth Siegel, and Jerome Smith are dismissed with prejudice from this action.

IT IS SO ORDERED.

Dated: July 27, 2011


~~United States District Court Judge~~

HOWARD R. LLOYD

United States Magistrate Judge